

REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.116, and in light of the remarks which follow, are respectfully solicited.

Claims 1-3 have been amended to insert a reference to the process of preparing the claimed polymers. Support for the amendments may be found, for example, in originally filed claims 4 and 5. Claim 5 has been amended to correct a typographical error. Claims 1-5 and 7-11 remain pending in the application. Claims 4, 5, 10 and 11 have been withdrawn from consideration on the merits.

Claims 1, 2, 7 and 8 were finally rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,278,272 to Lai et al. for reasons provided in paragraphs (4) and (7) of the Office Action. Reconsideration of this rejection is respectfully requested in view of the above amendments and for at least the reasons which follow.

Lai et al. '272 discloses the use of organic boron compounds as cocatalyst. However, a titanium metal complex was used as the transition metal compound in the working examples of the reference. This is entirely different from the hafnium compound now recited in the present claims.

Moreover, Applicants have considered the Examiner's reply in paragraph (7) of the Office Action to the arguments presented in the Response filed December 11, 2003. Respectfully, Applicants disagree with the Examiner's position.

Lai et al. '272 discloses a density range of about 0.85 to about 0.97 (column 3, lines 6-7). This range encompasses low density, medium density and high density polyolefins. The melt flow ratio, I_{10}/I_2 , disclosed in the reference ranges from about 7

to about 20 (column 3, lines 10-11). Suitable olefin polymers are listed in column 3, lines 24-55 and this list encompasses hundreds of specific homopolymers and copolymers. The polymers prepared in Examples 1 and 3, which presumably represent preferred embodiments of the patentees' invention, have densities and melt flow ratios significantly outside the ranges in the present claims.

If those of ordinary skill did not have the present claims before them, it is difficult to see how one could "immediately envision" the claimed ethylene polymers from the entire disclosure of the reference, bearing in mind the preferred embodiments of Lai et al. '272. To support an anticipation rejection, "the identical invention must be shown in as complete detail as is contained in the . . . claim."

Richardson v. Suzuki Motor Co., 868 F.2d 1226,1236, 9 USPQ2d 1913,1920 (Fed. Cr. 1989).

In view of the amendments and arguments, the §102(b) rejection based on Lai et al. '272 should be reconsidered and withdrawn. Such action is earnestly requested.

Claim 3 was rejected under 35 U.S.C. §102(e) as anticipated by or, alternatively, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,300,433 to Rodriguez et al. for the reasons given in paragraphs (5) and (8) of the Final Rejection. Claim 9 was rejected under 35 U.S.C. §103(a) as unpatentable over Rodriguez et al. '433 for the reasons given in paragraphs (6) and (9) of the Final Rejection. Reconsideration of these rejections is respectfully requested in view of the aforementioned amendments and for at least the following reasons.

Rodriguez et al. '433 discloses the use of a hafnium complex as the transition metal compound. Cocatalysts used therein include [N,N-dimethylanilinium] [tetrakis(pentafluorophenyl) borate]. However, as was urged in the last response (pages 4-5), Applicants' polymers prepared by the claimed catalysts have lower molecular weights than the polymers prepared by Rodriguez et al. '433. As such, it is respectfully submitted that this reference does not anticipate or render obvious the present invention.

For these reasons, the §102(e) and §103(a) rejections over Rodriguez et al. '433 should be withdrawn. Such action is earnestly requested.

Information Disclosure Statements

Applicants submitted a third Information Disclosure Statement (IDS) on April 26, 2004, and a fourth Information Disclosure Statement (IDS) on May 17, 2004. It is requested that Examiner-initialed copies of the PTO-1449 forms attached to each IDS be returned to the undersigned.

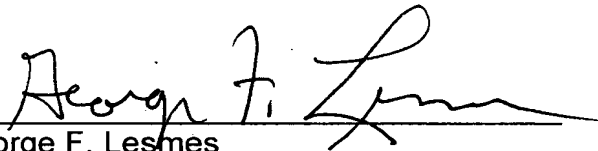
From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly requested. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience.

Respectfully submitted,

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